

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HOMER L. REED,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10-CV-924-TCM
)	
ST. CHARLES, MISSOURI, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on plaintiff's motion for an extension of time to file a notice of appeal pursuant to Rule 4 of the Federal Rules of Appellate Procedure. The motion will be denied.

Plaintiff filed the instant action on May 17, 2010. On August 17, 2010, the Court determined that the complaint was legally frivolous and failed to state a claim upon which relief could be granted and dismissed it pursuant to 28 U.S.C. § 1915(e)(2)(B) [Docs. #10 and #12]. Plaintiff's notice of appeal was filed in this Court on October 15, 2010; the notice of appeal bears a date of September 22, 2010.¹

¹Although the notice of appeal bears a date of September 22, 2010, at the top of the document, plaintiff did not show timely filing either by a declaration in compliance with 28 U.S.C. § 1746, or by a notarized statement pursuant to Fed. R. App. P. 4(c).

Pursuant to Rule 4 of the Federal Rules of Appellate Procedure, plaintiff's notice of appeal was due within fourteen days after entry of the judgment or order being appealed. On November 16, 2010, the United States Court of Appeals for the Eighth Circuit sent plaintiff a letter, advising him that his notice of appeal appears to be untimely and informing him of the option of filing a motion for an extension of time with the District Court.

Under Rule 4(a)(5)(A) of the Federal Rules of Appellate Procedure, this Court may extend the time for filing a notice of appeal if the "party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires" and if the "party shows excusable neglect or good cause."²

In his motion for extension of time to file a notice of appeal, plaintiff says that he filed his notice of appeal as soon as he could, but "you people are a bunch of narrow minded crooked, swindling, thieves, who [are] also dishonest, and counterfeit, and corrupt."

Upon consideration of the reasons given by plaintiff, the Court finds that he has failed to show either excusable neglect or good cause. As a result, the motion will be denied.

²The United States Court of Appeals for the Eighth Circuit has counseled that pro se appellants may be given "special consideration . . . regarding their notices of appeal." Weekley v. Jones, 927 F.2d 382, 386 (8th Cir. 1991).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for an extension of time to file a notice of appeal pursuant to Rule 4 of the Federal Rules of Appellate Procedure [Doc. #20] is **DENIED**.

Dated this 1st day of December, 2010.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE